

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE KHALID BIN AL-SAUD,  
a/k/a Anthony Gignac.

Case No. 12-mc-50076  
HON. GEORGE CARAM STEEH

ORDER ACCEPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION [DOCS. 35]

This matter came before the court on various motions filed by movant Khalid Bin Al-Saud. This court referred movant's motions for return of property and for protective order, and motions to quash the grand jury subpoena, to the magistrate judge for report and recommendation. The magistrate judge filed his report on October 12, 2012, recommending that the motions for an order compelling the government to return wrongly seized documents, for return of property, and for protective order should be denied without prejudice to movant filing a civil action challenging the government's seizure or retention of his property, or a proper Rule 41(g) motion should a criminal proceeding against movant be commenced. The magistrate judge further recommended that this court deny the motions to quash the grand jury subpoena.

Movant filed timely objections to the report and recommendation only as it related to the return of his documents. Movant objects to the recommendation that his motion brought under Fed. R. Crim. P. 41(g) for return of property should have been filed as a civil suit. Movant urges this court to convert his Rule 41(g) motion into a civil action in the interest of judicial economy and prompt resolution of disputes.

This court notes that there is not a criminal proceeding against movant involving the property seized. Under such circumstances, motions to return property seized by the government are civil equitable proceedings, falling within the court's federal question jurisdiction under 28 U.S.C. § 1331. See *United States v. Search of Music City Marketing, Inc.*, 212 F.3d 920, 923 (6th Cir. 2000); *Bailey v. United States*, 508 F.3d 736, 738 (5th Cir. 2007). The court agrees with the reasoning of the magistrate judge that the Rule 41(g) motion filed by movant in this case does not fulfill the requisites for filing a civil action and establishing this court's jurisdiction. First, the motion does not include a short and plain statement of the grounds for the court's jurisdiction. Second, there is no indication that service of a summons and complaint in accordance with Rule 4(l) has taken place, a requirement to establishing this court's personal jurisdiction over the United States. See generally, *United States v. Savage*, 99 Fed. Appx. 583, 584 (6th Cir. 2004) (where there were no criminal proceedings pending at the time motion was filed, the "district court did not err when it [denied the motion and] instructed [movant] to file a separate civil action.").

Movant does not object to any other portion of the magistrate judge's report and recommendation.

Now, therefore

IT IS HEREBY ORDERED that the magistrate's report and recommendation is ACCEPTED in its entirety.

IT IS FURTHER ORDERED that movant's motions for return of property and wrongly seized documents and for protective order are DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that movant's motions to quash grand jury subpoena are DENIED.

Dated: December 6, 2012

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record  
and on Khalid Bin Al-Saud, at 220 Cranbrook Dr.,  
Bloomfield Hills, MI 48035 on  
December 6, 2012, by electronic and/or ordinary mail.

s/Barbara Radke  
Deputy Clerk